IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA ALBANY DIVISION

| PATRICK LEN FLORENCE, | : |
|-----------------------|------------------------|
| Plaintiff | : : : |
| VS. | : : 1:04-CV-38 (WLS |
| Dr. ANKOH, et al., | · : : |
| Defendants. | : : |

ORDER AND RECOMMENDATION

Presently pending in this action brought pursuant to 42 U.S.C. § 1983 are motions for default and for discovery filed by the plaintiff. The plaintiff has previously filed a motion for default, which was ultimately denied. In the motion for default presently pending, the plaintiff again challenges the answer filed by defendants Haynes and Roberts. Inasmuch as the plaintiff has again failed to provide a basis for the issuance of a default or default judgment, it is the recommendation of the undersigned that the plaintiff's Motion for Default be **DENIED**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

In regard to the plaintiff's motions seeking discovery, the court notes that at least one of the three (3) pending motions does not appear to be accompanied by a certificate of service.

Although the plaintiff states within the body of one motion that he has conferred with defense counsel in an attempt to obtain the discovery before seeking court intervention, he does not provide any details or a copy of such good faith effort. Defense counsel has stated in the past

that plaintiff failed to confer with him prior to the filing of any of his motions to compel. Based on the absence of evidence that the plaintiff in fact made a good faith effort to confer with defense counsel regarding the discovery disputes at issue, plaintiff's pending motions to compel are hereby **DENIED**. Plaintiff's motion for additional time to file a response to previously issued orders and recommendations has been rendered moot and is hereby **DENIED**; the plaintiff has had ample opportunity to file multiple "responses" to the orders at issue. **SO ORDERED AND RECOMMENDED**, this 5th day of November, 2007.

/s/ Richard L. Hodge

RICHARD L. HODGE UNITED STATES MAGISTRATE JUDGE

asb